

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

GREENFIELD UNION SCHOOL
DISTRICT-BAKERSFIELD,

v.

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015060090

PARENT ON BEHALF OF STUDENT,

v.

GREENFIELD UNION SCHOOL
DISTRICT-BAKERSFIELD.

OAH Case No. 2015061203

ORDER DENYING STUDENT'S
REQUEST TO VACATE DATES AND
SET STATUS CONFERENCE

On May 28, 2015, Greenfield Union School District-Bakersfield filed a Request for Due Process Hearing (complaint) in OAH Case No. 2015060090 (District's Case), naming Student. On June 22, 2015, Student filed a complaint in OAH Case No. 2015061203 (Student's Case), naming District. On July 2, 2015, OAH granted Student's motion to consolidate District's Case and Student's Case.

On July 23, 2015, Student filed a request that OAH vacate all dates in the consolidated matters and set a status conference for January 5, 2016. Student's request was made on grounds that Parent at the parties' resolution session on June 29, 2015, reached an enforceable settlement agreement with District that District has breached, and Student needs time to prepare and prosecute a civil action to enforce the terms of the alleged June 29, 2015 settlement agreement.

District filed an opposition to Student's motion on July 28, 2015. Student filed a reply in support of Student's motion on July 30, 2015.

With her reply, Student submitted supporting declarations and copies of three confidential offers District provided to Parent at the June 29, 2015 resolution session. The first two offers made by District did not indicate that the offer required consideration or approval of District's board. These were signed by District's representative at the June 29,

2015 resolution session, but were not signed by Parent. The third offer increased certain settlement payment amounts over those proposed in the District's first two offers, but stated, "The District will discuss the foregoing resolution agreement with the District Board of Trustees on July 8, 2015." This offer was signed by Parent but not District's representative.

Student contends that District discussed and approved the third offer at the July 8, 2015 board meeting. District's opposition and supporting declaration state that District's board on July 8, 2015, discussed but did not approve the terms of the third offer from the June 29, 2015 resolution session, but instead approved an offer that increased proposed payment amounts to a level between those contained in offers one and two, but less than the amounts stated in offer three.

DISCUSSION

Student's request to vacate dates and set a status conference was made on grounds that the parties had reached an enforceable final settlement agreement that Student intends to enforce through a separate civil action that is yet to be filed. OAH generally will only vacate all dates and set a status conference if the parties have a fully executed settlement agreement requiring district school board approval, and a date for the board meeting. Here, Student has not submitted a fully executed settlement agreement, and there is thus no basis for vacating the present dates in these consolidated matters.

OAH has reviewed Student's request to vacate dates and set a status conference and has considered all relevant facts and circumstances. The request is:

☒ Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

DATE: July 31, 2015

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings